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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS,  
SAN ANTONIO DIVISION**

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Richard Brewer, Jean Carol Lane,	§	
And the Texas Division,	§	
Sons of Confederate Veterans, Inc.,	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
Ron Nirenberg,	§	
In His Official Capacity as	§	
Mayor of the City of San Antonio, and	§	Civil Action No. 5:17-cv-00837-DAE
Roberto Trevino, William Shaw,	§	
Rebecca Viagran, Rey Saldana,	§	
Shirley Gonzales, Greg Brockhouse,	§	
Ana Sandoval, Manny Pelaez,	§	
John Courage, and Clayton Perry,	§	
In Their Official Capacities as	§	
Members of the San Antonio	§	
City Council,	§	
Defendants.	§	

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**PLAINTIFFS' REQUEST FOR ENTRY ON LAND AND INSPECTION OF  
MONUMENT, CANNON, AND TIME CAPSULE**

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TO: Defendants  
Ron Nirenberg, Mayor of the City of San Antonio; Roberto Trevino,  
William Shaw, Rebecca Viagran, Rey Saldana, Shirley Gonzales, Greg  
Brockhouse, Ana Sandoval, Manny Pelaez, John Courage, and Clayton  
Perry, Members of the San Antonio City Council, through their  
attorney of record:

Deborah Lynn Klein  
Office of the City Attorney  
100 West Houston Street, 18th Floor  
San Antonio, Texas 78205.

Plaintiffs, Richard Brewer, Jean Carol Lane, and the Texas Division, Sons of Confederate Veterans, Inc., serve this request for entry on land on defendants, as authorized by Federal Rule of Civil Procedure 34(a)(2). Within thirty days after service of this request, defendants must respond either by stating that the inspection and related activities will be permitted or by making objection.

Entry upon land is requested as follows:

LOCATION:

Where the City of San Antonio is storing the subject matter of this cause.

PURPOSE:

To inspect, measure, survey, photograph, test, or sample the objects of the Travis-Park Monument, including, but not limited to the statue, the pedestal, the base, and all other parts of the Travis-Park Monument, the two cannon and their carriages, and the time capsule in the base, including the metal box which contained the following known items: the roster, constitution, bylaws of the Barnard E. Bee chapter; a prayer book carried by the son of one of the Barnard E. Bee chapter members during the Civil War; a Confederate flag bearing Jefferson Davis' name in gold letters and a wreath of violets; Confederate coins from the Albert-Sidney-Johnston Camp of the United Confederate Veterans; a copy of the *Texas Freemason*; a copy of

the *Daily Express*; a \$100.00 Confederate treasury note; two Confederate badges; names of the members of the Masonic Grand Lodge conducting the dedication of the monument; several Confederate buttons; a copy of Harry Hertzberg's tribute to Jefferson Davis at the closing exercise of the Seely Institute; a photo of the monument's designer, Miss Virginia Montgomery of New Orleans; a photo of Mrs. A.W. Houston, president of the Barnard E. Bee chapter, Daughters of the Confederacy with her brief biography; a small testament of a Confederate prisoner-of-war at Alton, Illinois, given to James E. Thompson; and several newspaper clippings.

**MANNER:**

Plaintiffs propose physical and visual inspection, observation, photography, videography. Plaintiffs further request to return with additional expert(s) to appraise the extent of damage and expert means of restoration in a subsequent inspection.

**DATE:**

10 a.m., Tuesday, April 10, 2018, or at another time or date agreed upon by the parties.

**ATTENDEES:**

Mr. John McCammon, Heritage Officer, Texas Division, SCV; Dr. William Boyd, Chief Operating Officer, Texas Division, SCV; Mr.

James R. Chapman, counsel for plaintiffs; Dr. David Vandenberg, counsel for plaintiffs; Kirk D. Lyons counsel for plaintiffs.

Entry upon land is necessary, because plaintiffs must reasonably inquire to determine the existence of these items, and, if these items are in defendants' custody, to determine the extent of damage and a reasonable, expert estimate of repairs, cost of repairs, and loss of value in the artifacts. *See In re Newman*, 782 F.2d 971, 973-74 (Fed. Cir. 1986); *Belcher v. Bassett Furniture Indus., Inc.*, 588 F.2d 904, 908 (4th Cir. 1978).

Respectfully submitted this 8th day of March 2018.

Respectfully submitted,

/s KIRK DAVID LYONS  
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Fax (828) 669-5191

#### CERTIFICATE OF SERVICE

I certify that on March 8, 2018, a copy of this Request for Entry upon Land and for Inspection of Monument, Cannon, and Time Capsule was served by e-mail to [Deborah.Klein@sanantonio.gov](mailto:Deborah.Klein@sanantonio.gov) on the following attorney in charge for defendants, Ron Nirenberg, Roberto Trevino, William Shaw, Rebecca Viagran, Rey Saldana, Shirley Gonzales, Greg Brockhouse, Ana Sandoval, Manny Pelaez, John Courage, and Clayton Perry:

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